

CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042,
ZMAP 2006-0002, and DOAM 2005-0003

Summary

Amendments to the Rural Policies

Reconvened September 5, 2006

Board of Supervisors Business Meeting

September 6, 2006

**Item 10A. CPAM 2005-0005/Amendments to the Rural Area Policies of the Loudoun
County Comprehensive Plan**

At the Board's September 5, 2006 business meeting, Supervisor Clem moved that the Board of Supervisors approve CPAM 2005-0005, Amendments to the Rural Policies of the Loudoun County Comprehensive Plan, as set forth in the Board of Supervisors' June 20, 2006 Draft Language. Seconded by Vice Chairman Tulloch.

Supervisor Staton moved that the Board of Supervisors amend CPAM 2005-0005 as follows. Seconded by Supervisor Delgaudio

1. Amend the Proposed Language for Rural Residential Text #1. To change "options to cluster or spin off residential lots at the equivalent of one dwelling unit per 20 acres," to "options to spin off residential lots at the equivalent of one dwelling unit per 20 acres, or cluster residential lots at the equivalent of one dwelling unit per 15 acres."
2. Amend the Proposed Language for Rural Residential Text #2. To change "options to cluster or spin off residential lots at the equivalent of one dwelling unit per 10 acres," to "options to cluster or spin off residential lots at the equivalent of one dwelling unit per 5 acres."
3. Amend the Proposed Language for Policy 2 under Rural Residential Policies to change "densities can be increased up to one dwelling unit per 20 acres when it is developed in a clustered pattern or a spin off lot subdivision," to "densities can be increased up to one dwelling unit per 20 acres when it is developed in a spin off lot subdivision, or up to one dwelling unit per 15 acres when it is developed in a cluster pattern."
4. Amend the Proposed Language for Policy 3 under Rural Residential Policies to change "densities can be increased up to one dwelling unit per 10 acres," to "densities can be increased up to one dwelling unit per 5 acres."

The motion to accept Supervisor Staton's amendments passed 5-4, Supervisors Burton, Kurtz, Waters, and York voted no).

The Board voted unanimously to recess the business meeting and reconvene on September 6 for further consideration and adoption of the Rural Policy Area Amendments.

At the reconvened meeting on September 6, the Board voted 8-0-1 (Supervisor Kurtz-no) to enter into a Committee of the Whole session for further discussion of draft language in the amendments to the Revised General Plan (Item 10A), reflecting Supervisor Staton's proposed amendments.

Following the conclusion of the Committee of the Whole session, Supervisor Waters moved to add language back into the "Rural Policy Area" text (Revised General Plan, p. 2-11b), which would allow rezoning in the rural residential district. The motion FAILED 4-5 (Chairman York and Supervisors Burton, Kurtz, and Waters-yes).

Supervisor Kurtz moved to strike language in "Rural Policy Area" text (Revised General Plan p. 2-11b) "The Rural Policy Area is planned for the rural economy uses and limited residential development," and insert " ...for countryside residential development. Those existing large lots involved in traditional agricultural, horticulture, forestry, the equine industry, and in rural enterprise such as emerging rural enterprises as vineyards, and rural tourism are appreciated." Seconded by Supervisor Burton. The motion FAILED (Chairman York and Supervisors Burton, Kurtz, and Waters-yes).

Supervisor Waters moved to add a new Policy 15 "Rural Residential Policies" (Revised General Plan, p. 7-16) as follows. Seconded by Supervisor Burton.

Rural Residential rezonings to higher densities may be appropriate and allowed in the northern and southern tiers of the Rural Policy Area. Rural Residential rezonings at the equivalent of one dwelling unit per 5 acres in the northern tier and one dwelling unit per 15 acres in the southern tier of the Rural Policy Area would be considered. All Rural Residential rezonings will be developed in a clustered pattern and meet established performance criteria, including traffic capacity limits, design standards (i.e. siting and buffering) and pose no threat to public health, safety, and welfare.

The motion FAILED 4-5 (Chairman York and Supervisors Burton, Kurtz, Waters – yes)

Supervisor Waters moved to add a new Policy 15 "Rural Residential Policies" (Revised General Plan, p. 7-16) as follows. Seconded by Supervisor Burton.

For subdivision applications within the Rural Policy Area that propose densities at the equivalent of one dwelling unit per 5 acres in the northern tier and one dwelling unit per 15 acres in the southern tier, an impact fee will be assessed. The Board will immediately establish a transportation impact fee, as permitted by current law; and further, the Board will seek authority from the state legislature to establish impact fees in the Rural Policy Area, where rezoning applications are not permitted, to help cover the costs of constructing new capital facilities.

Supervisor Staton offered a friendly amendment to strike the first sentence. Supervisor Waters accepted the amendment. Supervisor Snow offered a friendly amendment to insert "...as pertaining to transportation improvements" to clarify that impact fees will be established for transportation improvements only in seeking authority from the state legislature. Supervisor Waters did not accept the amendment. The motion carried 8-0-1 (Supervisor Snow – no).

The Board voted 5-4 (Chairman York and Supervisors Burton, Kurtz, and Waters-no) to approve CPAM 2005-0005, as amended on September 5 and 6, 2006. A copy of the adopted amendments is attached.

A449

**Item 10B ZMAP 2005-0042, ZMAP 2006-0002, ZOAM 2005-0002, DOAM 2005-0003
Rural Policy Area Amendments**

Supervisor Clem moved to adopt ZMAP 2005-0042, ZMAP 2006-0002, ZOAM 2005-0002, and DOAM 2005-0003. Seconded by Supervisor Tulloch.

Supervisor Snow moved to include an amendment to Section 1-103 (H) of the 1993 Zoning Ordinance Pending Applications as follows:

All active applications for preliminary or record plat subdivision or preliminary or final site plan official to the date of this ordinance will be subject to the ordinance prior to the date of this ordinance."

The County Attorney recommended that if the Board accepts the proposed amendment, it should be included in Section 8, Transition Rules, as part of the draft Resolution of Adoption. Supervisor Clem accepted the County Attorney's recommendation. The motion to include the amendment FAILED 3-6 (Supervisors Delgaudio, Snow, and Staton-yes).

Supervisor Staton moved the following four amendments to ZOAM 2005-0002 in the July 18, 2006 Draft Amendments to AR-1 and AR-2 Districts of the Zoning Ordinance (Item 10B). Seconded by Supervisor Delgaudio.

Page A-15: Amend §2-103 (C)(1)(b) to change "10 acres" to "5 acres."

Page A-18: Amend §2-103 (C)(4) to change "15 acres" to "7 acres."

Page A-18: Amend §2-103 (C)(4)(a) to change "15 acres" to "7 acres."

Page A-37: Amend §2-203 (C)(1)(b) to change "20 acres" to "15 acres."

Vice Chairman Tulloch moved that the Board of Supervisors recess the public meeting and enter into closed session for the purpose of consulting with counsel on legal matters related to notice and hearing requirements for pending zoning amendments, including related claims in pending and potential litigation. Seconded by Supervisor Waters. The motion carried 6-3 (Supervisors Burton, Kurtz, and Snow-no)

Vice Chairman Tulloch moved that the closed session be adjourned and that the Board of Supervisors reconvene its public meeting and that the minutes should reflect that no formal action was taken in closed session. Seconded by Supervisor Waters. The motion carried 7-0-2 (Supervisors Clem and Kurtz absent for the vote).

Vice Chairman Tulloch moved to adopt the Resolution Certifying the Closed Session. Seconded by Supervisor Waters. The motion carried unanimously.

The motion to accept the four amendments to ZOAM 2005-0002 proposed by Supervisor Staton carried 5-4 (Chairman York and Supervisors Burton, Kurtz, Waters - no)

A450

Supervisor Waters moved the following amendments to ZOAM 2005-0002 in the July 18, 2006 Draft Amendments to AR-1 and AR-2 Districts of the Zoning Ordinance (Item 10B). Seconded by Supervisor Kurtz.

Page A-16 §(C)(2)(h) At the end of the sentence add:

Land utilized for off-site water and off-site wastewater shall not be included in the calculation to achieve this minimum open space requirement.

Page A-20 §(C)(9) Add a new (c):

Land utilized for off-site water and off-site wastewater shall not be included in the calculation to achieve this minimum open space requirement of 70 percent.

Page A-37 §(C)(2)(h)

Land utilized for off-site water and off-site wastewater shall not be included in the calculation to achieve this minimum open space requirement.

Page A-41 §(C)(9) Add a new (c):

Land utilized for off-site water and off-site wastewater shall not be included in the calculation to achieve this minimum open space requirement of 70 percent.

The motion FAILED 4-5 (Chairman York and Supervisors Burton, Kurtz, Waters-yes).

Supervisor Kurtz moved the following amendment to ZOAM 2005-0002 in the July 18, 2006 Draft Amendments to AR-1 and AR-2 Districts of the Zoning Ordinance (Item 10B). Seconded by Supervisor Waters.

Page A-176 §5-600 (B) Country Inn (7)(c) Yard Standards:

The minimum required yard setback shall be: (iii) 250 feet minimum from all residential lot lines.

Supervisor Staton offered an amendment to add "with an existing dwelling unit" at the end of the section. Supervisor Kurtz accepted the amendment. The motion carried unanimously.

Supervisor Burton moved that ZMAP 2005-0042, ZMAP 2006-0002, ZOAM 2005-0002, and DOAM 2005-0003 Rural Policy Area Amendments be forwarded to a public hearing. Seconded by Chairman York. The motion carried 6-3 (Supervisors Delgaudio, Snow, and Staton-no).

A451

Outline of the Compromise on the Rural Policy Area

AR-1

Base Density – 20 Acres
Spin Off Lots – 10 and 5 Acres
Cluster Density – 5 Acres
Minimum Open Space Requirement – 70%

AR-2

Base Density – 40 Acres
Spin Off Lots – 20 Acres
Cluster Density – 15 Acres
Minimum Open Space Requirement – 70%

Difference in Plans –

Original AR-1/AR-2 Build-out:	approx. 10,000
A-3:	approx. 45,000
Clem/Burton:	approx. 14,000
Staton/Tulloch:	approx. 20,000
New Proposal:	approx. 18,000

The new proposal removes the potential for approximately 27,000 homes from Western Loudoun versus the projected A-3 build-out scenario. It is a slight increase over the Clem/Burton proposal, and a decrease from the Staton/Tulloch proposal. The new proposal incorporates all the changes made to the use list and performance standards that were discussed during our work-sessions.

How do we alter the proposed ordinance language in order to achieve this?

AR-1

- Alter Principal/Subordinate option to allow division by either 10 acres or 5 acres.
- Remove requirement for at least one 15 acre lot.
- Alter the cluster division option that allows a density of 5 acres.

AR-2

- Alter the cluster division option that allows a density of 15 acres.

Other Issues

- Leave all other amendments agreed upon at previous work-sessions in place.
- Amend Comp Plan to call for 20 acre and 5 acres zoning in AR-1, while calling for 40 acre and 15 acre zoning in AR-2

Transportation Improvements

Direct staff to begin the process of establishing transportation impact fees for Western Loudoun. This process will take some time and effort to establish, but the process can begin immediately.

Mick Staton Amendments to the Rural Zoning

I move to make the following amendments to ZOAM 2005-0002:

1. Page A-13 – Amend 2-103 (B)(1)(a) to change “20 acres” to “10 acres”
2. Page A-13 – Amend 2-103 (B)(1)(b) to change “10 acres” to “5 acres”
3. Page A-14 – Amend 2-103 (B)(4)(a) to change “15 acres” to “7 acres”
4. Page A-15 – Amend 2-103 (C)(1)(a) to change “20 acres” to “10 acres”
5. Page A-15 – Amend 2-103 (C)(1)(b) to change “10 acres” to “5 acres”
6. Page A-18 – Amend 2-103 (C)(4) to change “15 acres” to “7 acres”
7. Page A-18 – Amend 2-103 (C)(4)(a) to change “15 acres” to “7 acres”
8. Page A-37 – Amend 2-203 (C)(1)(b) to change “20 acres” to “15 acres”

I further move to make the following amendments to CPAM 2005-0005

1. Amend the Proposed Language for Rural Residential Text #1. to change “options to cluster or spin off residential lots at the equivalent of one dwelling unit per 20 acres,” to “options to spin off residential lots at the equivalent of one dwelling unit per 20 acres, or cluster residential lots at the equivalent of one dwelling unit per 15 acres.”
2. Amend the Proposed Language for Rural Residential Text #2. to change “options to cluster or spin off residential lots at the equivalent of one dwelling unit per 10 acres,” to “options to cluster or spin off residential lots at the equivalent of one dwelling unit per 5 acres.”
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4. Amend the Proposed Language for Policy 3 under Rural Residential Policies to change “densities can be increased up to one dwelling unit per 10 acres,” to “densities can be increased up to one dwelling unit per 5 acres.”

A453

LOUDOUN COUNTY, VIRGINIA
PROPOSED BASE ZONING MAP
 OF THE REVISED 1993 ZONING ORDINANCE

Zoning Districts

AR1	TR1UBF
AR2	TR1LF
A3	TR2
A10	TR3UBF
CR1	TR3LF
CR2	TR3LBR
CR3	TR10
CR4	PDCGCC
PDRV	PDCGCC
RC	PDCGCC
R1	PDCGCC
R2	PDCGCC
R3	PDCGCC
R4	PDCGCC
R8	PDCGCC
R16	PDCGCC
R24	PDCGCC
PDTRC	PDCGCC
PDH3	PDCGCC
PDH4	PDCGCC
PDH6	PDCGCC
PDAAAAR	PDCGCC
JLMA1	PDCGCC
JLMA2	PDCGCC
JLMA3	PDCGCC
JLMA20	PDCGCC

- County Boundary
- Village Overlay Boundary
- Route 28 District Boundary
- Parcels
- Governed Under the 1972 Zoning Ordinance



DRAFT

This Zoning Map reflects approved rezoning applications through February 21, 2006.

Proffered conditions may apply to certain properties. To determine whether proffered conditions apply or to determine the zoning of a specific property, please contact the Zoning Administrator in the Department of Building and Development.

The following Zoning Overlay Districts, other than the Village Conservation Overlay Boundary, are depicted on separate maps: Floodplain Overlay District, Mountside Development Overlay District, Airport Impact Overlay District, Historic District, and the Quarry Notification Overlay District.

Map Date: July 17, 2006
 Map Number 2006-052



1:50,000

0 1 2 3 4 5 Miles

A454

RECEIVED
NOV 16 2006
BUILDING AND DEVELOPMENT

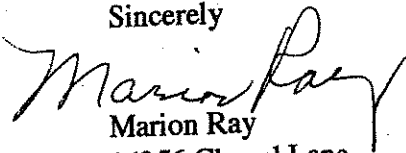
November 15, 2006

Loudoun County Department of Building and Development
Loudoun County Government Center
One Harrison Street, S.E. 2nd Floor
Leesburg, Virginia 20177

This is in reference to my property, which will be affected by your proposed zoning change, per your letter of November 13, 2006.

I object to the 20-acre minimum lot size being proposed for my property identified as Parcel 137106593000. The counties' proposed action is not supported with any justification and is a blatant taking of my property rights as a property owner.

Sincerely

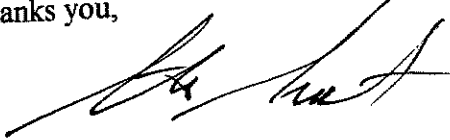

Marion Ray
14356 Chapel Lane
Leesburg, Virginia 20176

November 14, 2006

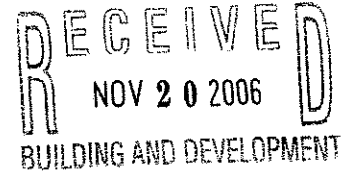
Department of Building and Development,

Thanks for the notice on the proposed zoning change. However, would it not be advantageous to distribute a notice that is understandable by someone other than those working in the Department of Building and Development? I am not the only one that gets these notices and after reading them wondering what it all means. For example, this notice mentions rezoning to AR1. How does this compare to my current zoning (A3 - I believe)? How could the new zoning possibly affect me or the surrounding properties? Explain what could change and what would remain the same. Is this proposed change something that would benefit developers or those wishing to protect the country side from further development? In other words, inform the citizens in such a way so as to be more useful and less confusing.

Thanks you,



Steve Smith



A456



Loudoun County, Virginia
www.loudoun.gov

Board of Supervisors

1 Harrison Street, S. E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000
703/777-0204 Fax 703/777-0421 e-mail: bos@loudoun.gov

November 13, 2006

SMITH, STEVEN L & BEVERLY P R/S
37170 KOERNER LN
PURCELLVILLE, VA 20132-2821

**NOTICE OF PUBLIC HEARING
PROPOSED ZONING CHANGES AFFECTING YOUR PROPERTY**

*Zoning Map amendments: ZMAP-2005-0042 & ZMAP-2006-0002
Zoning text amendment: ZOAM-2005-0002*

Parcel : 483166018000

Proposed Zoning District Classification :
ARI AGRICULTURAL RURAL - I

Proposed Overlay District(s) :
NONE

Dear Property Owner,

This letter is to give you notice of proposed amendments to the Loudoun County Zoning Ordinance and Zoning Map to change the zoning classification(s) of your property, along with text amendments to the regulations for your property's new zoning classification(s) that affects allowable uses and densities

Property

According to the current real estate tax assessment records, you are shown as the property owner of the parcel or parcels listed above. The Property Identification Number, or PIN (listed as "parcel" above), is used by the County to identify parcels of land.

New Zoning District Classification(s) (Zoning Map Amendments)

The zoning district classification proposed for your property is listed above, including all applicable zoning overlay districts. The zoning district classification corresponds to regulations governing the use and development of the property, including density or lot yield. Properties in overlay districts are subject to additional regulations related to the protection of certain environmental features or historic resources. If any portion of your property is within an overlay district, it is noted above.

A457

From: "Peter Bay Management"
To: "Melinda Artman"
Date: 11/21/2006 4:18 AM
Subject: proposed zoning changes affecting properties

zoning map amendments ZMAP-2005-0042 & ZMAP-2006-0002
zoning text amendment: ZOAM-2005-0002
parcel: 465373805000
proposed zoning district classification: AR2

we as land owners - do not want any changes to the zoning ordinance.

regards,
John A Andrews

22330 sam fred road, middleburg, virginia 20117
703.408.0719 - cell
540.687.8090 - barn/studio
540.687.5151 - fax

www.peterbay.net

A458

From: "Wendy Andrews"
To: "Melinda Artman"
Date: 11/21/2006 4:21 AM
Subject: proposed zoning changes affecting properties #2

we have 2 properties in the area - this is different from the e/mail i just sent you..

zoning map amendments ZMAP-2005-0042 & ZMAP-2006-0002
zoning text amendment: ZOAM-2005-0002
parcel: 465164455000
proposed zoning district classification: AR2

we as landowners - do not want any changes to the zoning ordinance.

regards,
John A Andrews

22330 sam fred road, middleburg, virginia 20117
703.408.0719 - cell
540.687.8090 - barn/studio
540.687.5151 - fax

www.peterbay.net

A459